

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIMBERLY NASH,

Plaintiff,

v.

SIMM ASSOCIATES, INC.,

Defendant.

Case No. 12-11475

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Kimberly Nash filed a two-count complaint in this court alleging violations of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, in Count I; and violations of Michigan’s Occupational Code in Count II.

Although Plaintiff’s claim arising under the FDCPA is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based solely on state law. Plaintiff has failed to state Defendant’s state of incorporation and principal place of business and has also failed to allege an amount in controversy that would give this court federal subject matter jurisdiction through diversity of citizenship. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiff’s state law claim in order to avoid jury confusion. See 28 U.S.C. § 1337(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309

(E.D. Mich. 1994). Accordingly, it is hereby **ORDERED** that Count II of the complaint is **DISMISSED.**

s/John Corbett O'Meara
United States District Judge

Date: June 7, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 7, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager